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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,899	06/16/2005	Paul R. Marshall	GB020238	6584
24737	7590	01/10/2008		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			SAUNDERS JR, JOSEPH	
BRIARCLIFF MANOR, NY 10510				
			ART UNIT	PAPER NUMBER
			2615	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,899	MARSHALL ET AL.	
	Examiner	Art Unit	
	Joseph Saunders	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-16-05, 5-31-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action based on the preliminary amendment filed June 16, 2005. Claims 1 - 10 are currently pending and considered below.

Information Disclosure Statement

2. The information disclosure statement filed May 31, 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a signature is required. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

3. The use of the trademarks, for example Bluetooth and others used throughout the specification has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 5 and 7 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yanagisawa et al. (US 2002/0085456 A1), hereinafter Yanagisawa.

Claim 1: Yanagisawa discloses a metadata provision system (Figures 1 – 3) comprising a transmitter (Transfer Media Recording Part 18, Paragraphs 91 and 92) and a receiver (Transfer Media Reading Part 26, Paragraphs 91 and 92), the transmitter being arranged to transmit metadata corresponding to content data (music piece data and data associated therewith, Paragraphs 24 – 26 and 49) and the receiver being arranged to receive the transmitted metadata, wherein the receiver is arranged to store the metadata (via HDD 25) and output the metadata upon request (via Operation Input Unit 23 and Display 24, Paragraphs 37 and 47).

Claim 2: Yanagisawa discloses a system according to claim 1, wherein the content data comprises audio data (music piece), the receiver including a media player (reproducing apparatus 20), the request comprising presentation of the audio data in the media player (via Operation Input Unit 23 and Display 24, Paragraphs 37 and 47).

Claim 3: Yanagisawa discloses a system according to claim 1, wherein the media player comprises a car head unit (in-vehicle audio information reproducing apparatus, Paragraph 25).

Claim 4: Yanagisawa discloses a system according to claim 1, wherein the transmitter comprises a local transmitter arranged to transmit metadata to the receiver when the receiver is within a predetermined area (Paragraph 92).

Claim 5: Yanagisawa discloses a system according to claim 4, wherein power to the transmitter is controlled to limit transmission to the predetermined area (Paragraph 92).

Claim 7: Yanagisawa discloses a system according to claim 1, wherein the transmitter and receiver operate under a selected one of: BlueTooth, IEEE 802.11 or ZigBee (Paragraph 92).

Claim 8: Yanagisawa discloses a system according to claim 1, which the transmitted metadata is encrypted (Inherent that metadata is encrypted since it is being transferred by Bluetooth, Paragraph 92).

Claim 9: Yanagisawa discloses a method of providing metadata comprising: transmitting metadata (via Transfer Media Recording Part 18) corresponding to content

data (music piece data and data associated therewith, Paragraphs 24 – 26 and 49) from a transmitter over a wireless data network (Paragraphs 91 and 92); receiving the transmitted metadata at a receiver (Transfer Media Reading Part 26); storing the metadata at the receiver (via HDD 25); and, output the metadata from the receiver upon request (via Operation Input Unit 23 and Display 24, Paragraphs 37 and 47).

Claim 10: Yanagisawa discloses a method as claimed in claim 9, wherein the wireless data network comprises a selected one of a Digital Audio Broadcasting network, an IEEE 802.11 network, a ZigBee network or a BlueTooth network (Paragraph 92).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa.

Claim 6: Yanagisawa discloses a system according to claim 1, wherein the transmitter (Transfer Media Recording Part 18, Paragraphs 91 and 92) and receiver (Transfer Media Reading Part 26, Paragraphs 91 and 92) operates using a wireless standard (e.g. Bluetooth) but does not specifically teach the Digital Audio Broadcasting standard.

Since Yanagisawa merely uses Bluetooth as an example, it would have been obvious to one of ordinary skill in the art at the time of the invention that other digital wireless standards could also be used and therefore one would be inclined to modify the invention of Yanagisawa to use the Digital Audio Broadcasting standard since it was also a well known wireless standard at the time of the invention.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JS
January 6, 2008



SINH TRAN
SUPERVISORY PATENT EXAMINER